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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/349,571	07/08/1999	MOOI CHOO CHUAH	M-35-CCHUAH	6785
30541	7590	07/13/2004	EXAMINER	
LAW OFFICE OF JOHN LIGON 505 HIGHLAND AVENUE P.O. BOX 43485 UPPER MONTCLAIR, NJ 07043			TON, DANG T	
			ART UNIT	PAPER NUMBER
			2666	7

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/349,571

Applicant(s)

CHUAH, MOOI CHOO

Examiner

DANG T TON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3,6,7,and 8 are rejected under 35 U.S.C. 102(a) as being anticipated by the admitted prior art of figure 1.

For claims 1-3,6,7,and 8, the admitted prior art of figure 1 discloses a method comprising the steps of :

sending packets directed to an L2TP peer (see packet # 1-5 directed to LT2P receiver in figure 1);

initiating a recovery process upon detection of multiple messages from the L2TP peer indicative that the L2TP peer is still waiting for a prior transmitted packet(see page 5 lines 5-7 and 10-20);

wherein the multiple messages are negative acknowledgements(see multiple message Nr = #2 in figure 1);

wherein the initiating step includes the step of sending a packet that includes a "Reset Sr" (R-bit) indicator for resetting a next received sequence number, Nr, value at the L2TP peer(see page 5 lines 14 and 25-26);

receiving a packet from an L2TP peer, the received packet

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including a next received sequence number, *Nr*; value;
determining if the *Nr* value represents a negative
acknowledgement (see *Nr* # 2 in figure 1 and page 5 lines 13-15);
wherein the recovery process includes the step of sending a
packet that includes a "Reset *Sr*" (*R-bit*) indicator for resetting
a next received sequence number, *Nr*, value at the L2TP peer (see
page 5 lines 14 and 25-26);
sending packets directed to an L2TP peer (see page 5 lines 14 and
25-26);
initiating a recovery process upon detection of either multiple
messages from the L2TP peer indicative that the L2TP peer is
still waiting for a prior transmitted packet, or if a
predetermined payload time-out occurs with respect to the prior
transmitted packet (see page 5 lines 5-7 and 10-20);
wherein the multiple messages are negative acknowledgements (see *Nr* #
2 in figure 1); and
wherein the initiating step includes the step of sending a
packet that includes a "Reset *Sr*" (*R-bit*) indicator for resetting a
next received sequence number, *Nr*, value at the L2TP peer (see page 5
lines 14 and 25-26).

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2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over The admitted prior art figure 1 in view of Miller et al. (5,727,002).

For claims 4-5 and 9-13, The admitted prior art of figure 1 discloses the method as described in the paragraph 3 of this office action.

For claims 9-13, The admitted prior art of figure 1 discloses all the subject matter of the claimed invention with the exception of using a communication interface for sending packets and receiving packets and a processor for initiating a recovery process in a communications network. Miller et al. from the same or similar fields of endeavor teaches the network interface (box 56 in figure 5) coupled with the processor (box 50 in figure 5) to accomplish the acknowledgment mechanism . Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the interface and

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processor as taught by Miller et al. in the communications network of the admitted prior art of figure 1.

The communication interface and processor as taught by Miller et al can be modified/ implemented into the network of the admitted prior art of figure 1 by connecting the interface and the processor between the sender and receiver . The motivation for using the interface and processor being that it provides the system more reliable since it defines a retransmission scheme for control message lost during transmission.

For claims 4-5 and 12-13, The admitted prior art of figure 1 discloses all the subject matter of the claimed invention with the exception of initiating a recovery process upon receiving a predetermined number of negative acknowledgements in a communications network. Miller et al. from the same or similar fields of endeavor teaches determined number of NAKs from each client gives measure of the quality of each links (see column 9 lines 12-14). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use number of negative acknowledgements as taught by Miller et al. in the communications network of the admitted prior art of figure 1. The number of negative acknowledgements as taught by Miller et al can be modified/ implemented into the network of

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the admitted prior art of figure 1 since it does teach NAKs between the sender and receiver . The motivation for using the number of negative acknowledgements being that it provides the system more reliable since it defines a retransmission scheme for control message lost during transmission.

3. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANG T TON whose telephone number is 703-305-4739. The examiner can normally be reached on MON-WED, 5:30 AM-6:00 PM and Thur 5:30-9:30 A.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on 703-308-5463. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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D. Ton

A handwritten signature in black ink, appearing to be 'D. Ton', written in a cursive style.

D. TON
Principal Examiner